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8 **UNITED STATES BANKRUPTCY COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
RIVERSIDE DIVISION

10 In re:

11 BETTER NUTRITIONALS, LLC,
12 Debtor.

Case No. 6:22-bk-14723-MH

Chapter 11

**STATEMENT OF THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS IN SUPPORT OF
STIPULATION TO CONTINUE HEARING
ON DEBTOR'S MOTION FOR
AUTHORITY TO USE CASH
COLLATERAL**

Hearing Date: January 31, 2023
Hearing Time: 2:00 p.m.
Location: Courtroom 301
3420 Twelfth Street
Riverside, California

1 The Official Committee of Unsecured Creditors (the “Committee”) in the above-captioned
2 bankruptcy case (the “Bankruptcy Case”) filed by Better Nutritionals, LLC (the “Debtor”), by and
3 through its proposed undersigned counsel, hereby submits this statement (the “Statement”) in support
4 of the *Stipulation to Continue Hearing on Debtor’s Motion for Authority to Use Cash Collateral*
5 [Docket No. 125] (the “Stipulation”).¹ In support of the Statement, the Committee respectfully states
6 as follows:

7 **I.**

8 **STATEMENT**

9 1. On January 19, 2023, the Office of the United States Trustee appointed [Docket No.
10 115] the Committee in this Bankruptcy Case. On January 20, 2023, the Committee selected Fox
11 Rothschild, LLP to serve as counsel to the Committee. An application for employment of the
12 Committee’s selected counsel is forthcoming.

13 2. On December 23, 2022, the Court entered an order [Docket No. 58] (the “Interim
14 Order”) granting the Debtor’s motion [Docket No. 8] (the “Motion”) for authority to use cash
15 collateral on an interim basis and scheduling a final hearing on January 31, 2023. Pursuant to the
16 Interim Order, the Court set January 24, 2023, at 5:00 p.m., as the deadline to file an opposition to
17 the Motion.

18 3. On January 20, 2023, the Debtor filed the Stipulation requesting, *inter alia*, an
19 extension of the deadline to file an opposition to the Motion to February 9, 2023, at 5:00 p.m. The
20 Stipulation is based, in part, on the parties’ observation that the Committee was recently appointed
21 an “anticipates that the Committee’s counsel, once selected, likely will request a continuance of the
22 response deadline and the hearing on the Motion.” *See* Stipulation at 2.

23 4. The Committee submits this Statement in support of the requested continuance of the
24 hearing on the Motion and related deadlines. The Committee, through its proposed counsel, has hit
25 the ground running and has initiated communications with various constituencies in this case,
26 including counsel for the Debtor and counsel for Goli Nutrition Inc. The Committee asserts that the
27

28 ¹ Unless otherwise defined herein, all capitalized terms have the definitions set forth in the Stipulation.

1 approximately two-week continuance of the opposition deadline is reasonable and will enable the
2 Committee to offer a more fulsome response to the Motion after expeditiously engaging with the key
3 constituents in this Bankruptcy Case.

4 **II.**

5 **CONCLUSION**

6 Based on the foregoing, the Committee supports the relief requested in the Stipulation.

7 Dated: January 23, 2023

FOX ROTHSCHILD LLP

8 /s/ Keith C. Owens

9 Michael A. Sweet. (SBN 184345)

10 Keith C. Owens (SBN 184841)

Nicholas A. Koffroth (SBN 287854)

11 *Proposed Counsel for the Official Committee of*
12 *Unsecured Creditors*

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is 10250 Constellation Boulevard, Suite 900, Los Angeles, CA 90067.

A true and correct copy of the foregoing documents entitled STATEMENT OF THE OFFICIAL COMMITTEE OF UNSECURED CREDITORS IN SUPPORT OF STIPULATION TO CONTINUE HEARING ON DEBTOR'S MOTION FOR AUTHORITY TO USE CASH COLLATERAL on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 1/23/2023, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

- Natalie A Alvarado alvarado.natalie@gmail.com, nalvarado@uprightlaw.com
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2. **SERVED BY UNITED STATES MAIL:** On January 23, 2023, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows.

Winthrop Golubow Hollander LLP
1301 Dove Street, Suite 500
Newport Bch, CA 92660

3. **SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on 1/23/2023, I served the following persons and/or entities by personal delivery, mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY

Honorable Mark Houle
United States Bankruptcy Court
3420 Twelfth Street, Suite 325 / Courtroom 301
Riverside, CA 92501-3819

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct

1/23/2023
Date

Kimberly Hoang
Printed Name

/s/ Kimberly Hoang
Signature